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U.S.D.C. - Gainesville

APR -7 2008

JAMES N. HATTEN, Clerk  
By: *Vicki Dougherty*  
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
GAINESVILLE DIVISION

Suzanne Sarver,  
Plaintiff,  
vs.

Ron Jackson, Kristi  
Carman, Ruth Nichols, Mike  
King, Gail Taylor, Cindy  
Collins, Fran Chastain,  
Rhonda Smith, Jeannnie  
Barrett, Traci Sadler,  
Samantha Hinkle, Leigh  
Vermillion, Black Male John  
Doe 1, George Sanders, John  
Doe 1, John Doe 2, each  
personally and in their  
official capacities,  
Defendants

Case No.: 2 08 -CV-0077  
Complaint

JURY TRIAL REQUESTED

1 **COMPLAINT**

3 **INTRODUCTION**

5  
7 **1.**

9 Plaintiff is a citizen of Habersham County, Georgia and  
11 a student at North Georgia Technical College and files  
13 this action against Ruth Nichols, President of North  
15 Georgia Technical College, individually and in her  
17 official capacity for injunctive relief and  
19 compensatory damages.

21 **2.**

23 Plaintiff is currently a student at North Georgia  
25 Technical College but is subject to an unlawful  
27 suspension from the school which is supposed to be  
29 effective on April 1, 2008. This complaint also  
31 requests a temporary restraining order to set aside the  
33 suspension that is unlawful on its face and was  
35 obtained in complete and utter disregard for the due  
37 process rights of Plaintiff Sarver.

39 **3.**

41  
43 Defendant's conduct, jointly and severally was a  
45 violation of Plaintiff Sarver's right to attend school  
47 and be free from malicious and willful conduct of  
49

1 administrators, and to be free from malicious and  
3 unfounded charges and arbitrary suspensions  
5 under color of state law (U.S.C.42 §1983). This conduct  
7 was with an utter disregard for her due process rights  
9 and her right to complain about incompetent state  
11 actors guaranteed her under the First Amendment, due  
13 process under the Fourteenth Amendment to the U.S. and  
15 Georgia Constitutions , various state and federal laws  
17 and the Georgia State torts of libel, slander and  
19 defamation. The complained of conduct created an  
21 intimidating, hostile, offensive and abusive school  
23 environment in violation of Title IX of the Education  
25 Amendments of 1972, Chapter 39, 885 Stat.  
27 235(1972),Codified at 20 U.S.C.§1681, et.seq.(1982)

#### JURISDICTION

##### 4.

33 This claim concerns the violation of civil rights and  
35 this Court has jurisdiction pursuant to 28 U.S.C.§1331  
37 and 1343(3).

#### VENUE

##### 5.

43 Plaintiffs and most Defendants currently reside in  
45 Habersham County, Georgia which is in this District and  
47 Division; the Plaintiff was a resident of Habersham  
49 County at the time the claims arose; the claims alleged

1       arose in this District. Accordingly, venue properly  
3               lies pursuant to 28 U.S.C. §1391.

5                               **PARTIES**

7                               **6.**

9       Plaintiff Sue Sarver sues in her personal capacity. She  
11       is a resident in the dorm of North Georgia Technical  
13       College in Habersham county and can be contacted at  
15       P.O. Box 845, Demorest, Georgia, 30535 or by phone at  
17       404-429-5946.

19  
21       **Defendants:**

23               (1) Ron Jackson is the Commissioner of the  
25       Department of Technical and Adult Education and is  
27       responsibly for formulating policies for the technical  
29       schools in Georgia, including North Georgia Technical  
31       College, and for the training and supervision of its  
33       employees in accordance with the authority granted in  
35       the Ga. Const. Art. VII, § paras. 1 and 2, and O.C.G.A. §  
37       20-2-50. Ron Jackson may be served at 1800 Century  
39       Place, Suite 400, Atlanta, Ga. 30345 pursuant to Rule  
41       4(c)(2)(C)(ii) of the Federal Rules Of Civil Procedure.

43               (2) Defendant Ruth Nichols is the President of North  
45       Georgia Technical College and is responsible for  
47       overseeing the daily administration of the school,  
49       formulating policies, and carrying out the policies of

1 DTAE. Ruth Nichols can be served at 1500 Hwy 197 North,  
3 Clarkesville, Ga, 30523 pursuant to Rule 4(c)(2)(C)(ii)  
5 of the Federal Rules Of Civil Procedure.

7 (3)Defendant Kristi Carman is the DTAE attorney who  
9 has reviewed and approved all actions by the Defendant  
11 employees. She can be served at 1800 Century Place,  
13 Suite 400, Atlanta, Ga. 30345 pursuant to Rule  
15 4(c)(2)(C)(ii) of the Federal Rules Of Civil Procedure.

17

19 (4)Defendants Taylor, Collins, King, Chastain,  
21 Smith, Barrett, Sadler, Hinkle, Vermillion, Sanders are  
23 employees of NGTC and can be served at 1500 Hwy 197  
25 North, Clarkesville, Ga, 30523 pursuant to Rule  
27 4(c)(2)(C)(ii) of the Federal Rules Of Civil Procedure.

29

#### **FACTUAL ALLEGATIONS**

31

#### **7.**

33 Plaintiff Sarver has observed and complained of various  
35 criminal and tortuous misconduct by some students and a  
37 vast majority of the staff and these Defendants are  
39 attempting to unlawfully remove her from the campus to  
41 stop her from documenting and complaining of this  
43 conduct in violation of her First Amendment rights  
45 under the Federal and State constitutions. This  
47 complaint also brings claims under Georgia law for the  
49 torts of libel, slander and defamation of character.

1 Plaintiff Sue Sarver is currently a student at North  
3 Georgia Technical College where she has been illegally  
5 suspended in retaliation for her outspoken behavior.  
7 Her first program of study was in Motorcycle Mechanics  
9 where she was unlawfully harassed out of the program  
11 because of her gender. She was repeatedly retaliated  
13 against because of her lawful behavior and her various  
15 complaints [more than thirty] against the school  
17 administrators (particularly Mike King who instigated  
19 the current unlawful suspension). Plaintiff Sarver has  
21 repeatedly documented the illegal conduct of various  
23 staff members, including Mike King, whom constantly  
25 defraud the taxpayers by failing to work the hours for  
27 which they are paid and are incompetent in the  
29 performance of their jobs. The staff at this school has  
31 people on it that Plaintiff has never seen do any work.  
33 The remainder of the staff is nearly totally  
35 incompetent and do not have the intellectual capacity  
37 to do their jobs. This school is in complete chaos.  
39 Ruth Nichols, who is the President of the school, is  
41 known among the students as a liar and a malicious  
43 incompetent who orchestrates harassment of any one who  
45 complains about the situation. This school is rife with  
47 teachers who are not competent to teach their subject  
49

1 matter. The technical schools in the State of Georgia  
3 are in complete disarray.

5 8.

7 On or about May 29 Plaintiff contacted Cindy Collins at  
9 NGTC for and requested an admissions package. In that  
11 conversation I was advised by Ms.Collins that Plaintiff  
13 needed a high school transcript for admission to the  
15 college. Plaintiff protested the absurdity of such a  
17 requirement because she has extensive college credits,  
19 but was advised everyone had to produce a high school  
21 diploma. Plaintiff Sarver continued to complain about  
23 such a stupid policy and was advised to ask for a  
25 waiver from a Dr. King. Gail Taylor was at this time,  
27 the head of admissions and was responsible for the  
29 training and conduct of Cindy Collins. Cindy Collins  
31 then advised plaintiff Sarver that she needed a  
33 transcript from every school she'd ever attended.  
35 Plaintiff Sarver then advised Cindy Collins that she  
37 would only get the transcripts to the schools that she  
39 needed transfer credit from.(actually, these people did  
41 not know what DTAE policy is and what they told me was  
43 not DTAE policy)

45 9.

47 That same day he plaintiff Sarver sent an e-mail to a  
49 Dr. King and requested a waiver of the high school

1 diploma requirement. Dr. King sent a reply e-mail. Some  
3 time later, Plaintiff Sarver was reading the North  
5 Georgia Technical College catalog and discovered that  
7 people do not need a high school diploma to get into  
9 the school they needed a high school diploma to get out  
11 of the school. Plaintiff Sarver immediately sent a e-  
13 mail to Dr. King and pointed this fact out. Dr. King  
15 sent back a smart ass reply. Plaintiff Sarver  
17 repeatedly checked with the staff and to find out when  
19 they received her transcripts and what their decision  
21 was. On or about, the 19th of June Plaintiff's  
23 transcripts had been received and Plaintiff Sarver had  
25 not heard from the school. On Monday on or about June  
27 20, Plaintiff Sarver sent an e-mail to Dr. King to find  
29 out what his decision was. Dr. King ignored Plaintiff  
31 Sarver's e-mails until Thursday on or about June 25.  
33 Plaintiff Sarver made a call to Dr. King's office and  
35 advised him that if she did not hear from him in 30  
37 minutes that she would go to federal court the next  
39 day and get a court order having her admitted to the  
41 school. Twenty minutes later Dr. King returned her call  
43 and Plaintiff Sarver advised Dr. King "that this was  
45 not 1950, you do not own the school, and I have every  
47 right in the world to go there". Plaintiff Sarver also  
49 sent an e-mail to Ruth Nichols saying the same thing.



1 Unbeknownst to Plaintiff Sarver she had already  
3 obtained a reputation as a rabble-rouser and  
5 troublemaker among the staff and administration and was  
7 the subject of extensive gossip.

9 10.

11 This Complaint is part of a much longer Complaint that  
13 Plaintiff Sarver has condensed because the current  
15 objective is to get the unlawful suspension vacated.  
17 The full Complaint should be finished by next week.

19 11.

21 It is the policy and practice of this school  
23 administration headed by Ruth Nichols and supported by  
25 the DTAE attorney Kristi Carman and the Commissioner of  
27 DTAE Ron Jackson to squelch complainers by  
29 manufacturing false charges against them, label them as  
31 disruptive and then illegally suspend them contrary to  
33 school policy, DTAE policy, and Federal and State Law,  
35 as in the instant case.

37 12.

39 Plaintiff Sarver initially was in a Motorcycle  
41 Mechanics class but was harassed out of the class after  
43 receiving substantial abuse and repeated threats by the  
45 teacher. This matter was totally mishandled by the  
47 administration and DTAE policy was totally ignored.

49 14.

1 On 9:45 on August 31, 2007, Plaintiff Sarver happened  
3 across a meeting where Defendants Sammy Howe, Mike King  
5 and Ruth Nichols were planning the details to illegally  
7 frame and suspend Plaintiff Sarver which was documented  
9 by Plaintiff Sarver. Plaintiff Sarver immediately  
11 confronted Ruth Nichols who had just said "that girl in  
13 the motorcycle class, we have put up with as much as  
15 we're going to take from her. She's upsetting the boys  
17 in the class." (How 1950's) (This administration and  
19 others have for decades harassed and did anything they  
21 wanted to do without any repercussions) Needless to say  
23 Plaintiff Sarver's confrontation of them this day  
25 scared the crap out of them. They then tried other  
27 maneuvers to harass Plaintiff Sarver over the next  
29 several months which are the subject of the companion  
31 lawsuit.

33 15.

35 Sometime in December of 2007, the Office of Civil  
37 Rights investigated Plaintiff Sarver's complaints and  
39 these Defendants simply lied to them.

41 16.

43 On or about February 5, Plaintiff Sarver went to a NGTC  
45 Board of Directors meeting. King, Howe and Nichols  
47 became so enraged at Plaintiff Sarver's presence that  
49 they were shaking. Plaintiff Sarver reported to Jeff

1 Johnson that the school was in a shambles and Nichols  
3 was harassing plaintiff. He ignored her complaints.  
5 King, Nichols and Howe retaliated by contriving this  
7 false suspension.

9 17.

11 On or about February 25, the Campus police came to  
13 Plaintiff's room in the dorm and advised Plaintiff  
15 Sarver that Dr. King wanted to see her immediately.  
17 Plaintiff Sarver advised the cop to tell King to drop  
19 dead, that she was not his servant or slave and to call  
21 and make an appointment to see her like anyone else.  
23 Plaintiff Sarver knew that King was up to some garbage  
25 to harass her during the end of quarter during  
27 preparation for finals and disturb her straight A  
29 average.

31 18.

33 On the next Monday, King sent several e-mails to her  
35 teacher and demanded that he meet with her immediately.  
37 Plaintiff refused to interrupt her class to meet him  
39 and again advised King to call and make an appointment  
41 which he refused to do. A Thursday meeting was decided  
43 upon but Plaintiff had a problem come up unexpectedly  
45 which she had to attend to. Mike King said he would  
47 send her a letter which he did.

49 19.

1 Mike King Had cooked up the most pathetic set of facts  
3 in the worst frame job of the century.

5 20.

7 King then falsely claimed that Plaintiff Sarver had  
9 made statements that were disruptive and derogatory to  
11 staff and students on February 5 (these were supposedly  
13 racially derogatory) and February 13, and on February  
15 24, 2008 went from her room to the bathroom in a t-  
17 shirt and underwear. (So do a lot of others including  
19 the individual that complained) King put Plaintiff  
21 Sarver on "Disciplinary Probation" for the remainder of  
23 the quarter and the next four quarters. The "racially  
25 derogatory" comments supposedly happened on February  
27 5, 2008 when Plaintiff Sarver was in the TV room saying  
29 "those dumb blacks" to the TV screen by herself. (the  
31 fact of the matter is that this did not happen). The  
33 complaint was by a security guard that Plaintiff Sarver  
35 had confronted several times about her incompetent and  
37 criminal misconduct and was backed up by one of her  
39 friends.

41 21.

43 Another statement that Plaintiff Sarver made that was  
45 supposedly disruptive and derogatory was that she  
47 confronted a convicted felon who is a Resident  
49 Assistant and told him that she did not want him in her

1 room. (Plaintiff had some very expensive electronics in  
3 her room) Plaintiff Sarver had observed Defendant Leigh  
5 Vermillion, who is convicted felon stealing equipment  
7 from the Student Center, she observed him selling drugs  
9 to other students and she has observed him taking  
11 property from other student's rooms. Plaintiff Sarver  
13 reported these events to the campus police, Rhonda  
15 Smith, Fran Chastain and Mike King who ignored her.  
17 Leigh is one of their favorites. He is currently  
19 shackled up with his girlfriend in his room contrary to  
21 the rules. (this is Samantha Hinkle who verified his  
23 complaint) (Hinkle has also been harassing Plaintiff  
25 Sarver) (Plaintiff Sarver refers to Hinkle as 'the  
27 whore of the second floor') This has been reported by a  
29 number of people to Rhonda Smith, including Plaintiff  
31 Sarver who ignored all the complaints. Also, a number  
33 of students have complained to Ruth Nichols, the  
35 President of the school about thefts from their room  
37 and nothing has been done. The RA's have keys to  
39 everyone's rooms.

41 22.

43 Mike King, in a breathtaking bow to the bizarre,  
45 claimed that Plaintiff Sarver's lawful and legitimate  
47 statements were a violation of the Student Handbook  
49 rule on page 58 which states 'Disorderly or obscene

1 conduct or breach of the peace on college property or  
3 at any function sponsored or supervised by the college  
5 or any recognized institutional organization is  
7 prohibited'. No sane person would even try to conclude  
9 what King has concluded.

11 Plaintiff Sarver immediately requested the statements  
13 (which she had to pay for), and received them with the  
15 complainants names blacked out. Plaintiff Sarver  
17 immediately requested an evidentiary hearing and  
19 appealed the matter. George Sanders, an employee  
21 Nichols attempted to set the appeal on these trivial  
23 matters for exam week and was advised by Plaintiff  
25 Sarver that she was too busy studying for and  
27 completing her exams and provided an alternate date.  
29 George Sanders ignored her and had the appeal hearing  
31 without Plaintiff present. Plaintiff Sarver was also  
33 advised that she could not know the name of the people  
35 who had made statements against her.

37 23.

39 Defendant Jeannie Barrett repeatedly interrupted  
41 Plaintiff's classes by sending letters to her in class  
43 and disturbing Plaintiff. Jeannie Barrett ignored  
45 Plaintiff's request to call her so that she could pick  
47 up these letters.

49 24.

1 The only thing Plaintiff Sarver would be allowed to do  
3 is to give her side of the story to a panel.

5 25.

7 The Committee recommended to approve Mike King's  
9 decision and to escalate the punishment to a one  
11 quarter suspension. This letter was delivered to  
13 Plaintiff Sarver 4 hours before she was to leave for  
15 quarter break. There was no findings of fact, no reason  
17 given for the escalation and they will not tell  
19 Plaintiff Sarver who was on the committee or how they  
21 reached their conclusion.

23 26.

25 Plaintiff Sarver immediately (on March 18) appealed  
27 that decision, requested an evidentiary hearing and has  
29 been totally ignored. All the administrators, DTAE  
31 Commissioner Ron Jackson and attorney Kristi Carman  
33 have been repeatedly advised of this misconduct. It  
35 appears that their response is to run and hide,  
37 evidencing a consciousness of their guilt.

41 **RELIEF SOUGHT**

43 **CONSTITUTINAL DUE PROCESS VIOLATIONS**

45 **DEFENDANTS FAILED AND REFUSED TO AFFORD PLAINTIFF DUE**  
47 **PROCESS BEFORE SUSPENDING HER FROM SCHOOL**

49 **COUNT 1**

1 27.

3 Plaintiff realleges paragraphs 7 through 25 above.

5 28.

7 Defendants willfully and maliciously failed to provide  
9 Plaintiff Sarver due process before suspending her by  
11 failing and refusing to provide the identities of her  
13 accusers, having decisions made about her from  
15 administrators and employees who have demonstrated  
17 personal bias and animas, failing to give her an  
19 appropriate opportunity to defend herself and punishing  
21 her for speech that is protected by the First Amendment  
23 to the Georgia and U.S. Constitutions and using vague  
25 and arbitrary standards.

27 **COUNT II**

29 **VIOLATION OF CIVIL RIGHTS UNDER COLOR OF STATE LAW**

31 29.

33 Plaintiff realleges paragraphs 7 through 25 above.

35  
37 30.

39 Defendants have repeatedly violated Plaintiff's civil  
41 rights under color of state law, habit and custom  
43 contrary to U.S.C.42,section 1983.

45 **COUNT III**

47 **GEORGIA TORT OF SLANDER**

49 31.



1 Plaintiff realleges paragraphs 7 through 25 above.

3 32.

5 Defendants have made numerous false verbal statements  
7 regarding Plaintiff knowing that they were false and in  
9 attempt to injure her reputation.

11 **COUNT IV**

13 **GEORGIA TORT OF LIBEL**

15  
17 33.

19 Defendants have made numerous false written statements  
21 regarding Plaintiff knowing that they were false and in  
23 attempt to injure her reputation and motivated by a  
25 malicious intent.

27 **COUNT V**

29 **GEORGIA TORT OF DEFAMATION OF CHARACTER**

31 34.

33 Plaintiff realleges paragraphs 7 through 25 above.

35  
37 35.

39 Defendants have made numerous false verbal statements  
41 regarding Plaintiff knowing that they were false and in  
43 attempt to injure her reputation.

45 **COUNT VI**

1           **Sex Discrimination Pursuant to Title IX of the**  
3           **Education Amendments of 1972 codified at 20 U.S.C. §**  
5           **1681, et. seq. (1982)**

7                               36.

9           Plaintiff realleges paragraphs 7 thru 25 above.

11                             37.

13       Ruth Nichols as President of North Georgia Technical  
15       School is subject to the provisions of Title IX and the  
17       harassment of Plaintiff Sarver by staff and students  
19       interfered with her ability to attend school and  
21       perform her studies and activities. The deliberate  
23       indifference of the staff created an intimidating,  
25       hostile, offensive and abusive school environment in  
27       violation of Title IX of the Education Amendments of  
29       1972 codified at 20 U.S.C. § 1681, et. seq. (1982).

31                             38.

33       Plaintiff should have and recover compensatory,  
35       general and punitive damages from Defendants  
37       Vermillion, Barrett, Sadler, Taylor, Collins and Hinkle  
39       for their willful and intentional violation of the due  
41       process rights and damage to her name and reputation in  
43       the amount of money damages for \$1,000,000.00 dollars  
45                             each.

1 39.

3 Plaintiff should have and recover compensatory,  
5 general and punitive damages from Defendants Ron  
7 Jackson, Carmen, Nichols, King, Howe, Chastain and Smith  
9 for their willful and intentional violation of the due  
11 process rights and damage to her name and reputation in  
13 the amount of money damages for \$40,000,000.00 dollars  
15 each.

17 WHEREFORE, Plaintiff prays the Court as follows:

- 19 (a) to take jurisdiction of this matter;  
21 (b) to grant a trial by jury;  
23 (c) award Plaintiff compensatory damages against  
25 all Defendants and award punitive damages  
27 against the individual Defendants under each  
29 claim stated above in the requested amounts;  
31 (d) reasonable attorney fees and costs  
33 (e) enjoin these Defendants from any further  
35 harassment of Plaintiff;  
37 (f) require Defendants to formulate constitutional  
39 grievance and complaint processes

41  
43 RESPECTFULLY SUBMITTED, this 7<sup>th</sup> day of April, 2008  
45  
47  
49

  
Sue Sarver

Pro-Se  
P.O.Box 845  
Demorest, Ga.  
30535

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